

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JANET TALLEY, )  
                  )  
                  )  
Plaintiff,      )  
                  )  
vs.               ) Civil Action No. 10-225-E  
                  )  
                  )  
COMMISSIONER OF SOCIAL SECURITY, )  
                  )  
                  )  
Defendant.       )

O R D E R

AND NOW, this 28th day of March, 2012, upon consideration of the parties' cross-motions for summary judgment, the Court, upon review of the Commissioner of Social Security's final decision, denying plaintiff's claim for disability insurance benefits under Subchapter II of the Social Security Act, 42 U.S.C. §401, et seq., and denying plaintiff's claim for supplemental security income benefits under Subchapter XVI of the Social Security Act, 42 U.S.C. §1381, et seq., finds that the Commissioner's findings are supported by substantial evidence and, accordingly, affirms. See 42 U.S.C. §405(g); Jesurum v. Secretary of U.S. Department of Health & Human Services, 48 F.3d 114, 117 (3d Cir. 1995); Williams v. Sullivan, 970 F.2d 1178, 1182 (3d Cir. 1992), cert. denied sub nom., 507 U.S. 924 (1993); Brown v. Bowen, 845 F.2d 1211, 1213 (3d Cir. 1988). See also Berry v. Sullivan,

738 F. Supp. 942, 944 (W.D. Pa. 1990) (if supported by substantial evidence, the Commissioner's decision must be affirmed, as a federal court may neither reweigh the evidence, nor reverse, merely because it would have decided the claim differently) (citing Cotter v. Harris, 642 F.2d 700, 705 (3d Cir. 1981)).<sup>1</sup>

Therefore, IT IS HEREBY ORDERED that plaintiff's Motion for Summary Judgment (document No. 7) is DENIED and defendant's Motion for Summary Judgment (document No. 9) is GRANTED.

s/Alan N. Bloch  
United States District Judge

ecf: Counsel of record

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Plaintiff argues, inter alia, that the Administrative Law Judge ("ALJ") failed meaningfully to consider her obesity in combination with her other impairments at Step Three and beyond. In making this argument, she sets forth an inaccurate quote from the ALJ's decision and implies that this quote was the entirety of the ALJ's analysis regarding her obesity, stating that the ALJ made only a "passing comment" as to the matter. At no time does she acknowledge that the one sentence she inaccurately quotes is part of a much more extensive discussion of the issue. The Court is confused as to how Plaintiff missed the analysis in the paragraph out of which she pulled the "passing comment," to which she cites. In any event, substantial evidence supports the ALJ's findings in regard to Plaintiff's obesity and his ultimate finding that Plaintiff is not disabled.